EXHIBIT A

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 1            IN THE UNITED STATES DISTRICT COURT

 2            FOR THE NORTHERN DISTRICT OF OHIO

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 4

    JOSEPH BOND AND NICOLE THOMPSON, Individually

 5   and on Behalf of All Others Similarly Situated,

 6

                      Plaintiffs,

 7

 8       v.              Case No. 1:20-cv-00677-PAB

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    LIGHTHOUSE INSURANCE GROUP, LLC, a Florida

10   Limited Liability Company,

11

                      Defendant.

12

13                 ~~~~~~~~~~~~~~~~~~~~~

14

15            Remote 30(b)(6) Deposition of

16     LIGHTHOUSE INSURANCE GROUP, LLC, by JASON FARRO

17

                      July 8, 2021

18                    11:02 a.m.

19

20

                   Witness Location:

21

        6100 Rockside Woods Boulevard North

22                   Suite 310

                  Independence, Ohio

23

24

25            Stephen J. DeBacco, RPR
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Page 1

30(b)(6) Lighthouse Insurance Group Jason Farro - July 8, 2021

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 1      APPEARANCES:

 2

 3           On behalf of the Plaintiffs, via Zoom:

 4                   Peluso Law Firm, by
                     PATRICK H. PELUSO, ESQ.

 5                   3900 East Mexico Avenue, Suite 300
                     Denver, Colorado 80210

 6                   (970) 673-9075
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 7

 8
             On behalf of the Defendant, via Zoom:

 9
                     Brennan, Manna & Diamond, by

10                   CHRISTOPHER B. CONGENI, ESQ.
                     75 East Market Street

11                   Akron, Ohio 44308
                     (330) 253-5060

12                   cbcongeni@bmdllc.com

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1   ordinary meaning of these terms, right?

2   Random would be -- I don't know --

3   it could pull a list of numbers that are 7, 17,

4   97, 5,063, right? That would be equipment that

5   randomly generates numbers. You following me?

6   A.   Yes.

7   Q.   Okay. And then a sequential number

8   generator would be equipment that just 1, 2, 3,

9   4, 5, 6, 7, 8, generates numbers in sequential

10   order. Does that make sense?

11   A.   Yes.

12   Q.   So what I'm wondering is whether

13   those processes are used by the dialer that

14   Lighthouse has, which I believe is a

15   Vicidial --

16   A.   Correct.

17   Q.   -- to store the telephone numbers.

18   A.   So when -- when a lead comes in, a

19   new lead comes into the system, that is going

20   to be the most recent lead that is stored. So

21   it is -- the last one into the system is always

22   going to be the first one dialed, if you follow

23   me.

24   Q.   Okay.

25   A.   All right. So if a lead came in

Page 27

1 page, should really just be "yes"?

2   A.   No. Again, I -- from -- when I

3 read this, it talks about us dialing the leads

4 in a random or sequential way in which --

5 that's how I read this question. Not the

6 storage of the leads, but of how we dialed the

7 leads.

8   Q.   Okay. But if -- maybe if I had

9 worded the question or used a comma in here and

10 made it a little bit more clear that I was

11 asking about whether the dialing equipment has

12 the capacity to store telephone numbers using a

13 random number generator, would you agree that

14 that would be yes, because as we've

15 established, there's a lead ID number that's

16 randomly generated and assigned?

17   A.   That is correct.

18   Q.   Okay. So that's a yes, right?

19   A.   Yes for the storage; no for dialing

20 of the numbers.

21   Q.   Okay. So yes that a random number

22 generator is used to store the telephone

23 numbers?

24   A.   Yes.

25   Q.   Okay.

Page 37

30(b)(6) Lighthouse Insurance Group Jason Farro - July 8, 2021

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 1        A.    A random lead ID is assigned to

 2   each lead that comes into the system.

 3        Q.    All right.  Understood.  Okay.

 4   Thank you for -- for going through that with

 5   me.

 6              Just give me one minute to see if

 7   there's any other questions I have on this

 8   particular document.

 9              Just real quick.  This will be a

10   quick one.  Can you scroll down to page 4 of

11   this document?

12        A.    Yes, I'm there.

13        Q.    Okay.  And then Request to Admit

14   No. 5, it says you placed the calls to

15   Plaintiffs.  Very simple response, isn't it?

16        A.    Yes.

17        Q.    I'm just wondering if Lighthouse

18   sort of internally places all of the calls that

19   would be related to this case, or are there

20   some cases where a third-party call center may

21   have been used?

22        A.    No.  We do not use any third party.

23        Q.    Okay.  Easy enough.  Okay.

24              The next one here says Request to

25   Admit No. 6, "You do not possess screenshots of
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Page 38

1   how any supposed Consent Language was presented

2   to Plaintiffs."

3   The response says, "Defendant

4   objects to this Request as vague as to the

5   extent that it seeks documents in the custody

6   or control of Plaintiffs or third parties.

7   Without waiving said objections, Defendant

8   states that Plaintiffs did give written consent

9   to be contacted by Defendant, and that

10   Defendant is in possession of and has produced

11   documentation of the consent language agreed to

12   by Plaintiffs."

13   We'll go through some of those

14   documents later -- later today, but I think

15   there -- I think what you're referring to there

16   are e-mails of folks at -- at your company

17   with -- people with these lead generators where

18   they sort of copy and pasted what they say the

19   consent language was, which doesn't quite

20   answer my question about whether there's

21   screenshots of what the website would have

22   looked like.

23   Do you know if Lighthouse has

24   screenshots or other documents that would

25   evidence how that consent language would have

Page 39

30(b)(6) Lighthouse Insurance Group Jason Farro - July 8, 2021

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 1    appeared on a website if a person, you know,

 2    did go there and fill out their information?

 3         A.    We do not have that information.

 4         Q.    Okay.  Do you know if you guys

 5    asked for it and the lead generators just don't

 6    have it?

 7         A.    I don't know that question.  I

 8    don't know that -- what we asked for was the

 9    consent language, and this is what they

10    provided us, is --

11         Q.    Okay.

12         A.    -- what we shared.

13         Q.    Okay.  So you don't know if you've

14    asked for documents that would evidence, you

15    know, how that consent language would have been

16    presented, you know, sort of in context?

17              When you look at consent language,

18    to me, it's out of context.  You don't know how

19    it would have appeared on the website, what it

20    would have looked like.  You don't know if you

21    asked for screenshots or other documents that

22    would show that?

23         A.    I just know that we asked for the

24    consent language, and which they provided us

25    with that information, and which we shared with
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Page 40

30(b)(6) Lighthouse Insurance Group Jason Farro - July 8, 2021

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 1    you.
 2         Q.    Okay.  All right.  Okay.
 3               All right.  Jumping down to the
 4    next one, Request to Admit No. 7, it says, "You
 5    called at least 40 other persons using the same
 6    equipment used to call Plaintiffs for the same
 7    purpose You called Plaintiffs where you
 8    obtained supposed prior express consent to call
 9    and/or text in the same manner as You claimed
10    you obtained prior express consent to call
11    Plaintiffs."
12               And the response says, "Defendant
13    objects to this Request as vague to the extent
14    that it does not define the term 'same
15    purpose.'  Without waiving said objections,
16    Defendant states it has called at least 40
17    other persons with prior express consent using
18    the same equipment with which Defendant made
19    calls to Plaintiff."
20               So I want to kind of break this
21    out.  And this is another one where there's
22    kind of, you know, three or four different
23    components to the question, which, you know, I
24    understand can be, you know, a little difficult
25    to respond to at times.
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Page 41

30(b)(6) Lighthouse Insurance Group Jason Farro - July 8, 2021

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 1                   So let's just start with this
 2     objection that we didn't define "same purpose."
 3                   You know, I'm not trying to trip
 4     you up here.  I'm really just using those words
 5     as, you know, common usage, right?
 6                   Lighthouse called my clients to
 7     sell them insurance products, right?
 8          A.     Yes.
 9          Q.     So the same purpose would just be
10     other persons called to solicit the sale of
11     insurance products.
12          A.     We do not just randomly call
13     individuals.  People consent to be called when
14     we purchase that lead, and we have agreements
15     with the lead vendors, and they request to be
16     contacted by an agent to sell insurance
17     products.
18          Q.     Right.  I understand that you're
19     not randomly dialing people, right?  We
20     established that earlier.  You're buying leads
21     and you're calling the leads.
22                   But is it fair to say that every
23     time a Lighthouse employee or contractor,
24     call -- call personnel, you know, whoever is
25     sitting down and making these sales calls,
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Page 42

30(b)(6) Lighthouse Insurance Group Jason Farro - July 8, 2021

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 1    every time they call one of the leads, they're

 2    calling to sell insurance products, right?

 3    They're not calling for any other purpose?

 4            A.    That is correct.

 5            Q.    Okay.  So then all the calls are

 6    for the same purpose that my clients were

 7    called.  They were called to -- because

 8    Lighthouse wanted to sell them insurance

 9    products.

10            A.    Yes, at their request.

11            Q.    Right.  Okay.  So we're on the same

12    page.  So that's -- you know, the term "same

13    purpose" was not defined, but it sounds like

14    we're on the same page, that the same purpose

15    was to solicit insurance products.

16                  So then --

17                  MR. CONGENI:  Object to the

18    commentary.

19            Q.    Do you disagree with what I said,

20    Jason?  I'm sorry.  I was just confirming that

21    we were on the same page.

22            A.    It's not "solicit."  Again, we are

23    asked by --

24            Q.    Okay.  Okay.

25            A.    -- the individuals that are
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Page 43

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 1    obtaining [sic] to get a quote to be contacted

 2    for insurance purposes.

 3         Q.    Okay.  So you've used the word

 4    "solicit" as more of a, you know, random

 5    knock-on-the-door sort of thing.  Okay.

 6         A.    Correct.

 7         Q.    Okay.  So I won't use that word,

 8    then.

 9               So -- well, which word would you

10    choose?  That they're calling to sell insurance

11    products?

12         A.    We are -- again, we're calling

13    people who have opted in to be contacted

14    because they have requested information about

15    insurance products.

16         Q.    Okay.  But when you call, you're --

17    you're perhaps providing information about the

18    insurance products, but you're also hoping to

19    sell the insurance product?

20         A.    That is correct.

21         Q.    Okay.  All right.  Okay.  So we're

22    on the same page on that part.

23               The next part of this response I

24    want to get clarity on is the portion where it

25    says, "Without waiving said objections,
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Page 44

30(b)(6) Lighthouse Insurance Group Jason Farro - July 8, 2021

1   A.   Correct.

2   Q.   Okay.   Does Lighthouse use lead

3   generators other than those two?

4   A.   Yes.

5   Q.   Okay.   So when I say, you know,

6   supposed prior express consent to call and/or

7   text in the same manner as you claim it was

8   obtained to call Plaintiffs, are you referring

9   to this consent that Lighthouse claims was

10   provided in the context of All Web Leads and

11   MediaAlpha? You know, other -- other

12   generators that -- other lead generators that

13   Lighthouse may use, you know, would be

14   different than those two.

15   So has Defendant called at least 40

16   other persons whose lead came through All Web

17   Leads and MediaAlpha using the same equipment

18   with which Defendant made the calls to the

19   Plaintiffs?

20   A.   Again, we would buy a lead from All

21   Web or MediaAlpha with consent and dial those

22   leads to -- to inform them about the insurance

23   products that are available for -- for those

24   individuals.

25   Q.   Okay.   Let me try to ask this as

Page 46

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 1    simply as I can.

 2              Did Lighthouse purchase more than

 3    40 leads from All Web Leads and MediaAlpha?

 4         A.    Yes.

 5         Q.    Do you know how many?

 6         A.    I do not know.

 7         Q.    Ballpark?  I mean, is it 100?

 8    1,000?  10,000?

 9         A.    Over what period of time?

10         Q.    So four years starting from the

11    date this Complaint was filed.  So we're

12    starting 2016, let's say.  2016 through the

13    present.

14         A.    Yeah, it would be thousands.

15         Q.    Okay.  Understood.  Okay.

16         A.    I don't know the exact number, but

17    it would be a lot.

18         Q.    Okay.  Understood.  More than 40,

19    very safe to say, it sounds like.

20              Okay.  And kind of along this same

21    topic, and kind of bleeds into Request to Admit

22    No. 8, but does Lighthouse have the ability to

23    identify those folks?  People whose leads were

24    purchased from All Web Leads and/or MediaAlpha

25    who were then called using the same dialer that
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Page 47

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 1   was used to call my clients?

 2          A.    We would be able -- if we had the

 3   number -- if you were to give us the number, we

 4   would be able to look that person up in our

 5   system to pull the records of when that person

 6   was dialed from our system.

 7          Q.    Do you have a way of isolating

 8   which persons were part of an All Web Leads

 9   lead purchase?

10          A.    We would have to go back to All Web

11   and request the leads that we purchased.

12          Q.    Okay.  And the same is true of

13   MediaAlpha?

14          A.    Correct.

15          Q.    Is there any -- and we talked about

16   the lead ID numbers before, which were assigned

17   to the individual telephone numbers, leads,

18   that are purchased.

19                Is there any similar number that

20   would be assigned to the lead generator where

21   maybe you'd have a unique number unique to All

22   Web Leads, and every lead in the system that

23   came from All Web Leads would have that number

24   associated with it?

25          A.    Yes.  There's a lead ID for the
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Page 48

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 1   lead vendors.
 2         Q.    Okay.  So, you know, if you
 3   purchased a lead from All Web Leads for John
 4   Smith, and you went into the dialer and found
 5   John Smith, his lead would have All Web Leads'
 6   ID number attached to it?
 7         A.    If you gave us John Smith to go and
 8   look up in our system, yes, we would be able to
 9   see the lead vendor that it came from.
10         Q.    But there's no way to do that in
11   reverse, where you just are trying to find
12   every person John Smith and Sue Jones who came
13   from All Web Leads?
14         A.    It would be very time consuming to
15   pull a list.  I would -- it would be easier to
16   go back to the lead vendor to have them send us
17   the file.
18         Q.    That you purchased.  Okay.
19         A.    Correct.
20         Q.    Okay.  So I understand you could do
21   that.  You could go back and ask them.
22               If you had to do it internally -- I
23   don't know -- for whatever reason, All Web
24   Leads is just not answering your calls --
25         A.    Yes.
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Page 49

30(b)(6) Lighthouse Insurance Group Jason Farro - July 8, 2021

1   Q.   -- I get that it would be time

2   consuming, but how would you do it?

3   A.   We would have to go into our system

4   and pull a lead list, which would be time

5   consuming.

6   Q.   What do you mean by pulling a lead

7   list?

8   A.   We would have to go -- the lead ID

9   for that vendor, we would have to pull. We

10   could then see all of the leads that we

11   purchased from them, but it would not give us

12   any information on when we dialed or how we

13   dialed that lead.

14   Q.   Okay. When you say "how we dialed

15   that lead," are there different ways of

16   dialing?

17   A.   Yes.

18   Q.   What are those?

19   A.   Using the predictive dialer, which

20   dials, and then our agents, if it is in that

21   pipeline, meaning they have talked to that

22   person in the past, they would pull that person

23   up in their system to call back.

24   Q.   Got it. Okay.

25   So sort of the predictive dialer is

Page 50

1   used, you know, when you're trying to reach

2   someone for the first time, but --

3   A.   Correct.

4   Q.   -- then once there's, you know,

5   contact that's been made and your agents are

6   following up, that's more of a targeted

7   call-back?

8   A.   Correct.

9   Q.   Okay. So you would be able to --

10   once you pulled up this list of leads

11   associated with the lead generator's ID number,

12   right, you're saying that wouldn't

13   automatically tell you when that person was

14   called, or so you'd have to go through and

15   figure out if it's, you know, within X number

16   of years, and then of those, how many of those

17   calls were made using the predictive dialer

18   versus --

19   A.   We would have to do that manually

20   to be able to see when that person was called

21   and how they were called.

22   Q.   Okay. But if you would skip those

23   steps, would you be able to essentially just

24   download the list? Understanding that some of

25   them may be from, you know, eight years ago and

Page 51

1   some of them maybe weren't called using the

2   predictive dialer, but would you just be able

3   to get the master list?

4   A.   No.   It would not be that easy.   We

5   don't dial any number after 90 days or after

6   the call count gets to a certain number.   So we

7   do not store those lists for more than a

8   certain period of time.

9   Q.   Okay.   So, really, the -- so after

10   90 days -- let's say you buy a batch of leads

11   today from All Web Leads, 91 days from now that

12   lead, if it didn't go anywhere, is going to be

13   deleted --

14   A.   It's killed.

15   Q.   -- from the system?

16   A.   It's killed.

17   Q.   Which means removed from the

18   system?

19   A.   It may stay in the system for a

20   longer period of time.   It is never dialed

21   again.   However, the list, though we migrate

22   over to another database, it's killed.   It's

23   pulled out of the telephony.

24   Q.   Okay.   So do you have access to

25   that other database where the killed leads are

Page 52

30(b)(6) Lighthouse Insurance Group Jason Farro - July 8, 2021

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 1    moved to?

 2          A.    I -- I would have to look into

 3    that.  I don't know.

 4          Q.    Okay.  The bottom line is that the

 5    easiest thing would be for you to just ask All

 6    Web Leads to give you the list that you

 7    purchased again?

 8          A.    Correct.

 9          Q.    Okay.  All right.  Request No. 9

10    says, "Some of the calls You placed to one or

11    both Plaintiffs featured an artificial or

12    pre-recorded voice."

13                And the response is simply, "Deny."

14                Does Lighthouse use pre-recorded

15    voice technology at all?

16          A.    No.

17          Q.    Okay.  And I just want to make sure

18    we're on the same page --

19          A.    I guess, can you elaborate on that?

20          Q.    Right.  So I'm going to -- okay.

21    So --

22                MR. CONGENI:  Yeah.  I would just

23    lodge an objection to that, the last question.

24    But go ahead.  Sorry.

25          Q.    Okay.  So it's just a flat "deny,"
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Page 53